

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

P.O. Box 419064, Rancho Cordova, CA 95741-9064



July 27, 2001

CSSIN LETTER: 01-20

ALL IV-D DIRECTORS  
 ALL DISTRICT ATTORNEYS  
 ALL COUNTY ADMINISTRATIVE OFFICERS  
 ALL BOARDS OF SUPERVISORS

SUBJECT: CHILD SUPPORT WARNING NOTICES

We began releasing the Annual Child Support Warning Notices in July, 2001. A copy of the schedule and the "revised" notice are attached for your information.

This year the warning notice was revised to include the possible denial of passports for past due support. Additionally, independent contractor payments for services, personal injury settlements and workers compensation payments were included in the list of possible intercepts. As you know, the mailings of these notices always prompt an increase in calls and correspondence to local child support agencies. We would like to thank you for your efficiency in handling this workload increase and welcome any suggestions you may have to improve the child support warning notice next year.

We would like to thank all of the counties who have completed a full reconciliation with the Integrated Database (IDB) and remind the remaining counties that it is not too late to perform a full reconciliation. A reconciliation is important in order to avoid potential customer service issues and ensure that the letters generated are accurate representations of county case information including correct balances. It will also

Reason for this Transmittal

- State Law or Regulation Change
- Federal Law or Regulation Change
- Court Order or Settlement Change
- Clarification requested by One or More Counties
- Initiated by DCSS



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remove closed/deleted cases from IDB so that we do not send balance due letters on closed cases. Please call Bill Brown at (916) 464-5322 if you have any questions about sending a full file reconciliation. Any questions regarding the Child Support Warning Notices may be directed to Tanya Morales at (916) 464-5261.

Sincerely,

A handwritten signature in black ink that reads "Joan M. Obert". The signature is written in a cursive, flowing style.

JOAN OBERT

Assistant Deputy Director

Attachments

**ATTACHMENT - ANNUAL NOTICE PROCESSING TABLE**

The following table identifies the counties and estimated dates the Annual Warning Notices will be sent to Office of State Printing (OSP) for printing and mailing.

<b>Week #</b>	<b>County #</b>	<b>County Name(s)</b>	<b>File to OSP<sup>1</sup></b>
1	01-04	Alameda, Alpine, Amador, Butte	07/06/2001
2	04-07	Butte, Calaveras, Colusa, Contra Costa	07/13/2001
3	07-10	Contra Costa, Del Norte, El Dorado, Fresno	07/20/2001
4	10-18	Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen	07/27/2001
5	18-19	Lassen, Los Angeles	08/03/2001
6	19	Los Angeles	08/10/2001
7	19	Los Angeles	08/17/2001
8	19-33	Los, Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside	08/24/2001
9	33-34	Riverside, Sacramento	08/31/2001
10	34-36	Sacramento, San Benito, San Bernardino	09/07/2001
11	36-37	San Bernardino, San Diego	09/14/2001
12	37-40	San Diego, San Francisco, San Joaquin, San Luis Obispo	09/21/2001
13	40-43	San Luis Obispo, San Mateo, Santa Barbara, Santa Clara	09/28/2001
14	43-49	Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma	10/05/2001
15	49-51	Sonoma, Stanislaus, Sutter	10/12/2001
16	51-58	Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba	10/19/2001

<sup>1</sup> estimated dates the Annual Warning Notices will be sent to Office of State Printing

\*CONTACT ADDRESS ABOVE\*

CHILD SUPPORT WARNING NOTICE

SSN  
CASE ID#

PAST DUE AMOUNT OWED

As of the date shown above, county records show you are past-due in making payment on a child, family or spousal support order including related costs. The amount(s) shown above could now be higher or lower, as it may not reflect recent payments or additional amounts that have become due for support or interest since that date. Interest is charged at the rate of 10 percent per year on all California judgments.

**Your past due amount will be updated monthly. The past due amount(s) will be referred to the United States Department of the Treasury for collection by Administrative Offset and/or Federal Tax Refund Offset.** Under Administrative Offset (31 United States Code section 3716), certain Federal payments which might otherwise be paid to you will be taken, either in whole or in part, to pay current and past-due support, related costs, and interest. This action is authorized by Code of Federal Regulations section 303.72. Under Federal Tax Refund Offset (42 United States Code section 664; 26 United States Code section 6402) any Federal Income Tax Refund to which you may be entitled will be taken to pay your past due support and interest.

If you are married, filing a joint federal income tax return, and you incurred this debt separately from your spouse, who has no legal responsibility for the debt and who has income and withholding and/or estimated tax payments, he or she may be entitled to receive his or her portion of any joint Federal Tax Refund. If your spouse meets these criteria, he or she may receive his or her portion of the joint refund by filing a Form 8379 - Injured Spouse Claim and Allocation. Form 8379 should be attached to the top of the Form 1040 or 1040A when you file, or be filed according to other instructions as indicated on the Form 8379.

Federal and state laws require that your state income tax refund be taken to pay current and past-due support, related costs, and interest. The California Franchise Tax Board (FTB) will take any income tax refund to which you may be entitled to pay these debts. This action is authorized by 42 United States Code section 666 (a), Code of Federal Regulations section 303.102 and California Code of Civil Procedure sections, 708.730, 708.780, and 708.795.

Also, under California Government Code section 12419.5, Code of Civil Procedure sections 708.730, 708.795, any other monies which may be owed to you by the State of California will be taken to pay support debts (for example, **lottery winnings**).

If you have ever owed past due child support in an amount exceeding \$5,000, the Secretary of State will refuse to issue a passport to you, and may revoke, restrict or limit a passport which was previously issued. This action is authorized by 42 United States Code section 652 (k), section 51.70 (a) (8) of Title 22 of the Code of Federal Regulations.

A portion of your earnings resulting from contracts for services provided to individuals, businesses, or government entities in the state may be withheld to pay for past due child support and interest as authorized by Section 17400 of the Family Code and Article 5, Chapter 5, Part 10.2, Division 2, of the Revenue & Tax Code.

If you are entitled to a personal injury settlement or workers compensation installment or lump-sum payment, your third party insurance claim benefits may be withheld to pay for past due child support and interest as authorized.

Any amount the county receives in excess of the amounts owed will be refunded to you.

#### **RIGHT TO REVIEW**

If you, or in the case of a joint tax refund, your spouse, disagree with any of the actions to be taken, you may request a review by contacting the ombudsperson in the county child support agency listed on the first page. The ombudsperson will explain your rights and how you can have your case reviewed, including rights you may have to a state hearing. Some possible reasons why you may disagree with this notice are: There is no judgment or order for you to pay support; the support amounts(s) shown as past due is not correct; or you have filed for bankruptcy and the automatic stay is still in effect.

You must contact the county no later than 90 days after you receive this notice. However, you should contact the county as soon as possible in order to give the county time to correct its records before your income tax refund(s) or other money owed to you by the federal government or the State of California are taken.

If your support order was not issued in California, you have the right to request that a review be conducted in the state which issued the order. If you request, the county will contact that state within 10 days after receiving your request. You will be notified of the time and place of your administrative review by the state which issued the order.

**Important:** If you owe current support and you fail to pay your obligation in full and on time, any arrears accruing due to payments missed after the date of this notice may be added to your debt. These new past due amounts will be subject to collection by federal/state tax refund and/or federal/state administrative offset without further notice during the next 12 months. To determine additional amounts owed after the date of this notice, you may contact the county at the address or phone number listed on the first page.

A Child Support Warning Notice will be sent to you every 12 months as long as you owe past-due support.

**PLEASE KEEP THIS NOTICE FOR YOUR RECORDS**